

AMENDED IN ASSEMBLY MARCH 31, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

Assembly Joint Resolution

No. 60

Introduced by Assembly Members Lieber and Leno
(Coauthors: Assembly Members Chan, Chu, Diaz, Dymally,
Goldberg, Hancock, Kehoe, Koretz, Laird, Liu, Longville,
Nation, Pavley, Ridley-Thomas, Vargas, Wiggins, and Yee)
(Coauthors: Senators Escutia and Kuehl)

February 5, 2004

Assembly Joint Resolution No. 60—Relative to immigration.

LEGISLATIVE COUNSEL'S DIGEST

AJR 60, as amended, Lieber. Immigration: same-sex partners.

This measure would respectfully request that the President and Congress of the United States adopt the Permanent Partners Immigration Act of 2003, which would add the phrase “or permanent partner” to sections of immigration law that provide immigration rights to legally married couples, and would allow gay and lesbian citizens to sponsor their partners as United States residents.

Fiscal committee: no.

- 1 WHEREAS, Approximately 65 percent of the one million green
2 cards and immigrant visas issued each year go to family members
3 of United States citizens and legal permanent residents; and
4 WHEREAS, According to the Bureau of Citizenship and
5 Immigration Services (BCIS), formally known as the Immigration
6 and Naturalization Service (INS), the current definition of family
7 excludes same-sex partners; and

1 WHEREAS, The principle of family unification is an
2 unassailable characteristic of our immigration system under which
3 legal permanent residents and United States citizens should be able
4 to sponsor their loved ones for immigration status; and

5 WHEREAS, The Permanent Partners Immigration Act of 2003
6 was introduced in the 108th Congress of the United States by
7 Congressman Jerrold Nadler with ~~445~~, *currently, 131* cosponsors,
8 and was also recently introduced by Senator Patrick Leahy *with,*
9 *currently, 11 cosponsors* to add the phrase “or permanent partner”
10 to sections of immigration law that provide immigration rights to
11 legally married couples; and

12 WHEREAS, The intent of the Permanent Partners Immigration
13 Act of 2003 is to recognize the reality that same-sex couples are
14 deserving of the same basic immigration benefits as heterosexuals
15 and to allow gay or lesbian citizens to sponsor their partners to
16 become United States residents; and

17 WHEREAS, Same-sex binational couples in monogamous,
18 committed relationships have demonstrated the same love to, and
19 devotion for, one another that heterosexual married couples have;
20 and

21 WHEREAS, The Permanent Partners Immigration Act of 2003
22 defines “permanent partner” as an individual 18 years of age or
23 older who is in a committed, intimate relationship with another
24 individual 18 years of age or older in which both parties intend a
25 lifelong commitment; is financially interdependent with that other
26 individual; is not married to or in a permanent partnership with
27 anyone other than that other individual; is unable to contract with
28 that other individual a marriage cognizable under the Immigration
29 and Nationality Act; and is not a first, second, or third degree blood
30 relation of that other individual; and

31 WHEREAS, Although there are a relatively low number of
32 binational same-sex couples, they are severely harmed by
33 discrimination and a lack of protection under current immigration
34 law; and

35 WHEREAS, Data compiled over two decades documents that
36 there has not been a single case of fraud perpetrated by a person
37 or partnership in any domestic partners benefit plan in the United
38 States since those benefit plans began in 1982; and

39 WHEREAS, The United States is behind other democracies in
40 extending fair treatment in immigration policies to same-sex

1 partners, and the Permanent Partners Immigration Act of 2003
2 would bring United States immigration law in line with 15 other
3 countries that currently recognize same-sex partnerships for
4 immigration purposes, including, but not limited to, Australia,
5 Belgium, Canada, Denmark, Finland, France, Germany, Iceland,
6 Israel, the Netherlands, New Zealand, Norway, South Africa,
7 Sweden, and the United Kingdom; and

8 WHEREAS, The Permanent Partners Immigration Act of 2003
9 is an appropriate next step towards establishing equality in
10 immigration standards for same-sex partners; now, therefore, be
11 it

12 *Resolved by the Assembly and Senate of the State of California,*
13 *jointly,* That the Legislature of the State of California urges the
14 President and the Congress of the United States to adopt the
15 Permanent Partners Immigration Act of 2003, which would add
16 the phrase “or permanent partner” to sections of immigration law
17 that provide immigration rights to legally married couples, and
18 would allow gay and lesbian citizens to sponsor their partners as
19 United States residents; and be it further

20 *Resolved,* That the Chief Clerk of the Assembly transmit copies
21 of this resolution to the President and Vice President of the United
22 States, to the Speaker of the House of Representatives, to the
23 Majority Leader of the Senate, and to each Senator and
24 Representative from California in the Congress of the United
25 States.

